

**GHSS JOINT BOARD  
EXAMINING BOARD OF PROFESSIONAL GEOLOGISTS,  
HYDROLOGISTS AND SOIL SCIENTISTS  
SEPTEMBER 29, 2010**

**PRESENT:** Richard Beilfuss, Kenneth Bradbury (via teleconference), Sue Bridson, Brenda Halminiak, Randall Hunt (via teleconference), Ruth G. Johnson, William Mode, and James Robertson

**EXCUSED:** John Hahn, Frederick Madison, Patricia Trochlell

**STAFF PRESENT:** Jeff Scanlan, Bureau Director; Colleen Baird, Legal Counsel; Kimberly Wood, Bureau Assistant; and other Department Staff

**VISITORS:** None.

**CALL TO ORDER**

William Mode, Vice Chair, called the meeting to order at 9:06 a.m. A quorum of eight (8) members was present.

**ADOPTION OF AGENDA**

**MOTION:** Sue Bridson moved, seconded by Brenda Halminiak, to approve the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF SEPTEMBER 30, 2009**

**Amendments to the Minutes**

- Page 1 of the Minutes: Top of the page, under the listing titled “Visitors” – Please include the following name: “Jason Lowery, Department of Agriculture, Trade and Consumer Protection”
- Page 2 of the Minutes: Top of the page, under “Approval of Minutes; GHSS Rules Committee – Minutes of September 18, 2003” correct the date provided in the related motion to read: “Ruth G. Johnson moved, seconded by Frederick Madison, to approve the minutes of September 18, 200~~9~~3...”

**MOTION:** Sue Bridson moved, seconded by Brenda Halminiak, to approve the minutes of September 30, 2009 as amended. Motion carried unanimously.

## ELECTION OF OFFICERS FOR 2011

### CHAIR

**NOMINATION:** William Mode nominated Brenda Halminiak for the Office of Chair. Brenda Halminiak declined this nomination.

**NOMINATION:** Randall Hunt nominated William Mode for the Office of Chair. Nomination carried by unanimous.

William Mode, Vice Chair, called for nominations three (3) times.

William Mode was elected as Chair.

### VICE CHAIR

**NOMINATION:** Ruth G. Johnson nominated Brenda Halminiak for the Office of Vice Chair. Nomination carried by unanimous.

William Mode, Chair, called for nominations three (3) times.

Brenda Halminiak was elected as Vice Chair.

### SECRETARY

**NOMINATION:** Randall Hunt nominated Richard Beilfuss for the Office of Secretary. Nomination carried by unanimous.

William Mode, Chair, called for nominations three (3) times.

Richard Beilfuss was elected as Secretary.

2011 ELECTION RESULTS	
Board Chair	William Mode
Vice Chair	Brenda Halminiak
Secretary	Richard Beilfuss

## ADMINISTRATIVE REPORT

Jeff Scanlan reported the following Department updates:

- The Department has filled a number of its attorney vacancies since the last meeting of the Board.
- Yolanda McGowan, formerly the Board's Bureau Director, was hired into a Legal Counsel position.
- Angela Arrington, formerly a DOE Prosecutor, was appointed to the Bureau Director vacancy previously occupied by Yolanda McGowan.
- Michele Miller Hayes has been hired as Legal Counsel.
- Nora Wilson is a newly appointed Bureau Director.

Jeff Scanlan reported to the Board that as there will be a gubernatorial election and that the Department's administration will change as a result.

Randall Hunt noted that his expiration date is coming up soon. The Board discussed the effects of a gubernatorial election regarding existing appointments and the appointment of new board members. Jeff Scanlan provided a general explanation of the process for submitting application for board appointment, which is that Board members are gubernatorial positions. As such anybody who is interested should visit the website for the Office of the Governor and apply through the "Boards and Commissions" page.

### **2011 Meeting Dates**

The Board was provided a copy of the meeting dates that have been scheduled for 2011.

**MOTION:** Brenda Halminiak moved, seconded by James Robertson, to approve the meeting dates as published. Motion carried unanimously.

### **DISCUSSION RELATING TO ESTABLISHMENT OF CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL OF PROFESSIONAL GEOLOGIST, HYDROLOGIST AND SOIL SCIENCE LICENSURE**

Jeff Scanlan provided the Board's history pertinent to the pursuit of continuing education requirements. He indicated that the Board had requested that a scope statement be drafted at its last meeting and indicated that in communication with the Department's rules coordinator, he discovered that the Board has a scope statement pending. He indicated that the Board would need to determine whether or not it wishes to pursue continuing education requirements and if it will reconstitute its Rules Committee. Jeff Scanlan indicated that there is an issue in that each Section has the authority to write its own rules. He stated that if the Soil Science Section is unable to achieve quorum and the Board successfully pursues requirements then it is conceivable that the soil science profession will not have any requirement for completion of continuing education.

The Board discussed whether or not to pursue a requirement for the completion of continuing education. Brenda Halminiak reviewed correspondence sent to Ms. Halminiak from a geologist that is also a state employee. She stated that this state employee has been in contact with a number of his colleagues surrounding the issue of continuing education and indicated that they are not in favor of such a requirement as it would impose an additional financial burden, especially in light of the recent renewal fee increase, and as there is no requirement or incentive for a state employee to maintain licensure nor would his employer be likely to finance continuing education courses.

Brenda Halminiak then reported to the Board regarding information she collected at the 2009 National Association of State Boards of Geology (ASBOG) Annual meeting regarding the status of requirements for continuing education in other jurisdictions. The Board discussed the number of jurisdictions that require continuing education and through the course of discussion ascertained that 8 of 30 states require the completion of continuing education as reported by ASBOG.

Jeff Scanlan referenced the Board's four (4) state analysis and reviewed the requirements of surrounding states for continuing education criteria. The Board discussed how it would pursue this venture and discussed a need to develop a cost analysis. Jeff Scanlan indicated that there may be concerns voiced by the Small Business Advisory Committee as this legislation could pose a financial impact on small businesses in the state, however he indicated that the Board would have the opportunity to address its reasoning for instituting continuing education by submitting a small business impact statement. Colleen Baird informed the Board that they may face difficulty in that they do not have a large number of cases to use to demonstrate a need to mandate continuing education.

While the Board discussed the fiscal impact of continuing education requirements the issue of the renewal fee increase was raised. The Board noted that they did not receive any notification of this increase. Jeff Scanlan provided an overview of the reason for the fee increase and explained that operating costs were analyzed by the Department for the purpose of determining fees. He indicated that the Department had broken down the expense of each profession by the amount of time staff time spent on regulation and then adjusted this amount according to the number of credential holders in that profession. He explained that this methodology resulted in larger increases for some of the Department's smaller professions because there are fewer licensees to bear the cost of regulation. The Board noted concerns about the lack of notification and stated that more effort should have been made to communicate the reason for fee increases. A brief Board discussion of the budget process ensued.

The Board returned to the issue of continuing education and discussed some of the obstacles that the Board may encounter in the pursuit of continuing education requirements and worked to determine how to address these barriers. Colleen Baird indicated that the Board may wish to speak to the level of the complexity of its work and the need to maintain that knowledge base in order to practice safely.

William Mode raised the issue of the expense to the Department to implement and regulate continuing education requirements. Jeff Scanlan indicated that the regulation of continuing education has for some professions used considerable resources of the Department. He then explained the process for continuing education audits. Mr. Mode then inquired about whether to move forward without the input of the Soil Science Section. Jeff Scanlan responded by informing the Board that it takes a considerable amount of time to get through the rulemaking process. He indicated that the Board may want to consider the possibility that the Soil Science Section may continue a trend of its inability to achieve quorum, which could stall any rulemaking efforts of the Board if they want to include soil scientist continuing education requirements. He indicated the Board may wish to continue to pursue promulgation as it is a long process and noted that the Board could pull the Soil Science Section into the process once the Section is able to meet.

The Board discussed the perspective of the Hydrology and Geology Sections and expressed general agreement about their desire to pursue requirements for continuing education. The Board reiterated the need for continuing education requirements as a matter of public safety as the science of the Joint Board's professions change and evolves on a regular basis. The Board discussed the possibility of an impact to licensure mobility with states that require continuing education. The Board discussed the ability for licensees to obtain continuing education that would meet the needs of the professions under the Joint Board. The Board also discussed the logistics of board approval of continuing education approval versus the establishment of guidelines within rule outlining the type of continuing education that would be acceptable to the Board. Jeff Scanlan advised the Board that there would be a considerable amount of work for the Board if it chose to approve courses in an individual basis. The Board discussed concerns about the amount of information relating to advances in science that practice professionals are not aware of and explored the availability of courses that would counter act this issue.

The Board discussed how to approach rulemaking without stalling efforts because of the large gaps between meetings and with frequent meeting cancellations. The Board discussed the possibility of designating a member of each Section to work with Colleen Baird between meetings and determined that each Section would designate a member for this purpose.

## **ADJOURNMENT**

**MOTION:** James Robertson moved, seconded by Ruth G. Johnson, to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 10:39 a.m.